



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 30

Hearing Date: January 23, 2003
Committee On: Natural Resources

Introducer(s): (Schrock)

Title: Provide a civil penalty for violation of a cease and desist order under the Nebraska Ground Water Management and Protection Act

Roll Call Vote – Final Committee Action:

Advanced to General File
X Advanced to General File with Amendments
Indefinitely Postponed

Vote Results:

7	Yes	Senators Friend, Jones, Kremer, Loudon, Preister, Schrock, Stuhr
0	No	
0	Present, not voting	
1	Absent	Senator Hudkins

Proponents:

Jody Gittins
Roger Houdersheldt

Dave Cookson
John Turnbull

Representing:

Introducer
Upper Big Blue NRD; NE Association of
Resources Districts
Attorney General's Office
NE Water Coalition

Opponents:

None

Representing:

Neutral:

None

Representing:

Summary of purpose and/or changes:

LB 30 allows a civil penalty of not more than \$5,000.00 to be imposed for violation of a cease and desist order of a natural resources district instead of a Class IV misdemeanor being charged. It provides for certain considerations made by the court in determining the amount of civil penalty, which are the degree and extent of the violation, the size of the operation, and any economic benefit derived from noncompliance. A Class IV misdemeanor carries a fine between \$100.00 and \$500.00, and carries no prison time.

Explanation of amendments, if any:

The Committee amendment adds the necessary language that would allow the recovery of attorney's fees and costs of enforcement of a cease and desist order if a civil penalty was awarded if the Attorney General's office brings the action. It creates the Department of Justice Natural Resources Enforcement Fund with the office of the Attorney General, where the attorney's fees and costs are to be deposited for use by the Attorney General to pay staff and reimburse the Attorney General's office for costs incurred in enforcing the cease and desist order of the natural resources districts.

Senator Ed Schrock, Chairperson